

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on June 9, 2005. Claims 1-40 are pending in the Application and Claims 1-39 stand rejected. Claims 1 and 4-7 are amended, Claims 2 and 3 are cancelled without prejudice or disclaimer, and new Claim 40 is added by the present Amendment.

Summarizing the outstanding Office Action, the title of Applicants' specification was objected to for being non-descriptive; Claims 1, 9-14, 18, and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Furusawa et al. (Japanese Patent No. 11-352743a, hereinafter "Furusawa"); Claims 1-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mochimaru et al. (U.S. Patent Application Publication No. 2002/0051646 A1, hereinafter "Mochimaru"); Claims 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Furusawa in view of Hirai (Japanese Patent No. 40903070A); and Claims 15-18 and 31-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mochimaru in view of Hirai.

As to the outstanding objection to the title of Applicants' specification, Applicants have herein submitted an amended title to comply with that objection and respectfully request reconsideration of the same.

As to the anticipation rejection, Applicants respectfully submit that, as presently amended, Claim 1 is not anticipated by Furusawa and Claims 1 and 25 are not anticipated by Mochimaru because each and every element as set forth in those claims is not found, either

expressly or inherently described, in each of the cited references. In an anticipation rejection, the identical invention must be shown in as complete detail as is contained in the claim.¹

According to the invention as set forth in Claim 1, an image forming apparatus is recited, comprising, among other features, a plurality of developer containing members disposed in the image forming apparatus under a loading unit. The developer containing members are arranged in a direction extending from an operation side of the image forming apparatus such that the more distant the developer containing member is from a discharging unit, the higher the developer containing member is disposed. The loading unit of the recited image forming apparatus can be opened around a rotative center unit disposed at a position beyond the developer containing members from the operation side of the image forming apparatus.

According to the invention as set forth in Claim 25, an image forming apparatus is recited, comprising, among other features, a plurality of developer containing members disposed therein under a loading unit. The developer containing members are arranged in a direction extending from an operation side of the image forming apparatus such that the developer containing member closest to a discharging unit is disposed at a lower position than the developer containing member most distant from the discharging unit. The loading unit of the image forming apparatus can be opened around a rotative center unit disposed at a position beyond the developer containing members from the operation side of the image forming apparatus.

As disclosed in the Specification, in an image forming apparatus having on its top face a loading unit disposed below a discharging unit, the amount of paper discharged is

¹ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

restricted by the separation distance between the two units. That is, if the height of the processed papers exceeds that separation distance, the flow of process papers discharged from the discharging unit will be blocked. In a conventional device, in order to increase the capacity of a discharging unit, the overall height of the device has to be increased. As such, the paper transport path up to the discharging unit is lengthened, thus increasing both the risk of a paper jam and the first print time (time period for the first page to be discharged).² In the instant invention, because the toner containers are arranged as recited in Claims 1 and 25, a first end portion of the loading unit close to the discharging unit is disposed in a position lower than its second end portion farthest from the discharging unit. As a result, the distance between the discharging unit and the loading unit can be increased without moving the discharging unit upward, thus increasing the amount of paper that can be stacked in the loading unit without the need to increase neither the overall height of the device nor the paper transport path as in conventional devices.³

Claims 1 and 25 have been amended to more clearly recite such an image forming apparatus. Claim 1 is amended with the subject matter substantially recited in Claim 2 and 3 and Claim 25 is amended to include the subject matter of Claim 3. Non-limiting support for the present amendment is found in the originally filed claims, in Applicants' specification (see, for example, pages 22-26), and in the originally filed figures. Therefore, no issues of new matter are believed to be raised by the instant amendment to the claims.⁴

In Furusawa, as clearly shown in FIG. 4 of that reference, the elevation of the developer containing members does not change as the distance from the discharging unit increases, as recited in Claim 1. In addition, Furusawa appears to be silent with respect to

² Specification, page 11, line 15 – page 14, line 4.

³ *Id.*, page 26, lines 14-24.

⁴ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

any loading units being configured to be opened around a rotative center unit disposed at a position beyond the developer containing members from an operation side of the image forming apparatus. Therefore, Furusawa cannot support a *prima facie* case of anticipation of the invention recited in Claim 1.

As to Mochimaru, the outstanding Office Action asserts that the discharging roller 34 are located in the operation side of the disclosed device and that the cover 40A of the sheet discharge tray 40 capable of rotation about the axis 40B is the recited loading unit. However, even if one assumes *in arguendo* that the sheet discharge tray 40 of Mochimaru is the recited loading unit, axis 40B is not located beyond the toner containers TC from the operation side of the image forming apparatus, as recited in Claims 1 and 25. This is so because axis 40B, as clearly shown in FIGS. 12 and 16, is located between the toner containers TC and the discharge roller 34 located in the operation side as asserted by the Office. As such, Claims 1 and 25 cannot be anticipated by Mochimaru.

Based at least on the foregoing, Applicants respectfully submit that Claim 1 is not anticipated by Furusawa and Claims 1 and 25 are not anticipated by Mochimaru. In addition, Claims 4-24 and 26-39 should be allowed, among other reasons, as depending either directly or indirectly from either Claim 1 or Claim 25, which should be allowed as just explained. In addition, Claims 4-24 and 26-39 are further considered allowable as they recite other features of the invention that are not disclosed, taught, or suggested by the applied references when those features are considered within the context of the subject matter recited in independent Claims 1 and 25. Therefore, Applicants respectfully request that the anticipation of (1) Claims 1, 9-14, 18, and 24 in view of Furusawa and (2) Claims 1-39 in view of Mochimaru under 35 U.S.C. §102(b) be withdrawn.

As to the obviousness rejection of Claims 15-17, 15-18, and 31-34, Applicants respectfully submit that Furusawa, Hirai, and Mochimaru, neither individually nor in any

combination, support a *prima facie* case of obviousness of the inventions recited in Claims 1 and 25. This is so because, even when combined, these references do not teach or suggest all the claimed features.

The deficiencies of Furusawa and Mochimaru with respect to Claim 1 and/or Claim 25 have already been explained. Hirai, being cited for allegedly teaching a discharge tray with three curved ribs, does not remedy the noted deficiencies. In particular, Applicants note that Hirai fails to teach the recited disposition of developer containing members and the location of the rotative center unit. Accordingly, Furusawa, Hirai, and Mochimaru, neither individually nor in any combination, make obvious the invention recited in Claims 1 and 25. Claims 15-18 and 31-34 should be allowed, among other reasons, as depending either directly or indirectly from either Claim 1 or Claim 25, which should be allowed as just explained.

In addition, Claims 15-18 and 31-34 are further considered allowable as they recite other features of the invention that are not disclosed, taught, or suggested by the applied references when those features are considered within the context of the subject matter recited in either independent Claims 1 or 25. For the foregoing remarks, Applicants respectfully request withdrawal of the rejection of Claims 15-18 and 31-34 under 35 U.S.C. § 103(a).

Finally, Applicants have submitted new Claim 40, non-limiting support for which is self-evident from the originally filed claims, specification, and figures. Therefore, new Claim 40 is not believed to raise a question of new matter.⁵

New independent Claim 40 recites an image forming apparatus having an operation panel on a first side thereof. The apparatus comprises, among other features, a plurality of developer containing members being disposed such that the more distant a developer containing member is from the discharging unit in a substantially horizontal direction, the

⁵ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

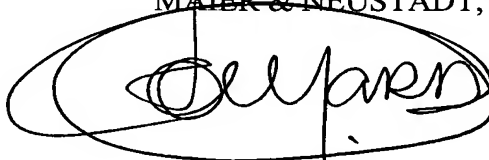
higher the developer containing member is disposed in the image forming apparatus in a substantially vertical direction, and a loading unit being configured to be rotationally opened around an axis horizontally located beyond the developer containing members with respect to the operation panel on the first side of the image forming apparatus. Based at least on the above-noted remarks, Applicants believe that new Claim 40 patentably distinguishes from Furusawa, Hirai, and/or Mochimaru.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1 and 4-40 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND
~~MAIER & NEUSTADT, P.C.~~

A handwritten signature in black ink, appearing to read "J. Kulbaski", is enclosed within a large, hand-drawn oval.

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